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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,956	07/19/2000	Edgar Allan Tu	FUSN1-0110US0	2142
28554	7590	04/20/2006	EXAMINER	
VIERRA MAGEN MARCUS & DENIRO LLP 575 MARKET STREET SUITE 2500 SAN FRANCISCO, CA 94105			COULTER, KENNETH R	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/618,956	TU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kenneth R. Coulter	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 January 2006.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 19 July 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 – 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Independent claim 1 teaches “remote devices (that) do not include remote access server software or remote control system software”.

In Figure 5 (top right-hand side), “REMOTE DEVICE ATTEMPTS LOGIN TO CENTRAL SERVER SYSTEM” is taught, which contradicts the assertion that no remote access software is in the remote device.

Also, page 22, lines 10 – 12 teaches “More specifically, and referring now especially to Figure 5, a user having a remote device will attempt to login to central server system 12 and central server system 12 will establish (if possible) a SSL connection.” This also contradicts the assertion that no remote access software is in the remote device.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 11 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility.

Independent claim 1 teaches “remote devices (that) do not include remote access server software or remote control system software”.

The argument above shows that this feature is not supported in the specification.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1 - 9 and 12 - 18 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Bastian (U.S. Pat. No. 6,757,712) (Communications Systems for Aircraft).

5.1 Regarding claim 1, Bastian discloses a method for remotely accessing a base computer from internet-enabled remote devices wherein the remote devices do not include remote access server software or remote control system software, comprising in combination:

establishing a remote access session with one of the remote devices at an internet central server system (Abstract; Fig. 1);

presenting a task list (Abstract; Fig. 1) to the remote device from said central server system (Abstract; Figs. 1, 3; col. 3, lines 4 – 23; col. 8, lines 10 - 41);

receiving a task selection at said central server system from the remote device (Abstract; Figs. 1, 3; col. 8, lines 10 - 41);

establishing a persistent connection between said central server system and a base computer in response to intermittent contact from said base computer to said central server system (Abstract; Figs. 1, 3; col. 3, lines 4 – 23; col. 7, lines 51 – 58 “**The server (base station) determines the appropriate time to initiate a data exchange with station 90 (server).**”; col. 16, lines 49 – 54 “**The aircraft initiates communications and continues to communicate with station 120 (server).**”);

transmitting said task from said central server system to the base computer via said connection between said central server system and said base computer (Abstract; Figs. 1, 3; col. 8, lines 10 - 41);

receiving at said central server system task data from the base computer responsive to said transmitted task (Abstract; Figs. 1, 3; col. 3, lines 4 – 23; col. 8, lines 10 - 41); and

presenting from said central server system a task response compiled from said task data to the remote device (Abstract; Figs. 1, 3; col. 3, lines 4 – 23; col. 8, lines 10 - 41).

5.2 Per claims 2 - 9, Bastian teaches the particulars regarding terminating remote access (col. 5, lines 44 – 51 “after exchange has been completed, the connection is terminated.”); particular protocols (col. 5, lines 18 – 23; col. 12, lines 1 - 8); user authentication (col. 2, lines 54 - 61) and secure communication (col. 14, lines 19 - 30); communication encryption (col. 14, lines 19 - 30); and establishing a communication link between the base computer and server when the base is not already connected to the Internet (Abstract; Figs. 1, 3; col. 3, lines 4 – 23; col. 8, lines 1 - 3).

5.3 Regarding claims 12 - 18, the rejection of claims 1 - 9 under 35 USC 102(e) (paragraphs 5.1 and 5.2 above) applies fully.

### ***Response to Arguments***

6. Applicant's arguments filed 1/30/06 have been fully considered but they are not persuasive.

6.1 In response to the rejection of claims 1 – 11 under 35 USC 112, first paragraph, Applicant cited information in the Background of the Invention section on pages 1 – 4. However, this citation (in the Background of the Invention section) fails to clarify the contradiction that exists between the language in Claim 1 and the specification (page 22, lines 10 – 12 and Figure 5).

In addition, the Applicant narrowed what the remote devices do not include in the preamble of Claim 1.

This modification does not clarify the problems that exist under 35 USC 112, first paragraph.

6.2 Applicant states that “nowhere does Bastian disclose or suggest that communications between a base computer and a central server system are established in response to contact, intermittent or otherwise, from the base computer to the central server system. In Bastian, the communications between the server system and the base stations are initiated by the server system

Examiner disagrees.

Bastian clearly discloses “establishing a persistent connection between said central server system and a base computer in response to intermittent contact from said base computer to said central server system” (Abstract; Figs. 1, 3; col. 3, lines 4 – 23; col. 7, lines 51 – 58 “**The server (base station) determines** the appropriate time to initiate a

**data exchange with station 90 (server)."; col. 16, lines 49 – 54 "The aircraft initiates communications and continues to communicate with station 120 (server).");**

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 549.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KENNETH R. COULTER  
PRIMARY EXAMINER  
*Kenneth Coulter*

krc